

Order

Michigan Supreme Court
Lansing, Michigan

September 17, 2014

Robert P. Young, Jr.,
Chief Justice

Rehearing No. 598

Michael F. Cavanagh
Stephen J. Markman

146867

Mary Beth Kelly

Brian K. Zahra

Bridget M. McCormack

David F. Viviano,
Justices

MATTHEW MAKOWSKI,
Plaintiff-Appellant,

v

SC: 146867
COA: 307402
Ingham CC: 11-000579-CZ

GOVERNOR and SECRETARY OF STATE,
Defendants-Appellees.

On order of the Court, the motion for clarification or rehearing is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting the motion, we amend the last sentence of the opinion to state as follows:

Accordingly, we reverse the judgment of the Court of Appeals. Consistent with the undisputed language of plaintiff's commutation, we further order the Department of Corrections to reinstate plaintiff's sentence to a minimum term of years — equivalent to the amount of time served as of the date of the Michigan Parole and Commutation Board's decision to recommend that plaintiff's sentence be commuted — to a maximum of life, and remand plaintiff to the jurisdiction of the parole board.⁹

MCCORMACK, J., not participating because of her prior involvement in this case.

⁹ While the actual language of the commutation in this case is assumed, defendants affirmatively argued that, if effective, the commutation document would grant plaintiff a term-of-years sentence.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 17, 2014

Clerk